

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**SUBDIVISION REPORT # FPP-13-06**  
**GLACIER INTERNATIONAL BUSINESS PARK**  
**DECEMBER 24, 2013**

A report to the Flathead County Board of Commissioners regarding a request for preliminary plat approval of Glacier International Business Park, a major subdivision that would create 10 commercial/light industrial lots. Located approximately six miles northeast of Kalispell, the subject property is situated in the southwest corner formed by the intersection of Birch Grove Road and US Highway 2.

The Planning Board will hold a public hearing in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on January 8, 2014 to review the proposal and make a recommendation to the Flathead County Commission. Final action on this proposal by the governing body must be taken prior to the review deadline of February 25, 2014. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

The proposal is not located within the advisory area of a Land Use Advisory Council.

**B. Planning Board**

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on January 8, 2014 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

**C. Commission**

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to February 25, 2014 which is the end of the 60 working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

**II. GENERAL INFORMATION**

**A. Project Personnel**

**i. Applicant/Owner**

Bill Reddig  
2866 US Highway 2 East  
Kalispell, MT 59901

**ii. Technical Assistance**

Rick Breckenridge  
Montana Mapping Associates, Inc.  
P.O. Box 181  
Dayton, MT 59914

## B. Project Description

The request is for preliminary plat approval of Glacier International Business Park, a 10 lot commercial/light industrial major subdivision planned to be developed on the 29.61 acre subject property, with approximately 6.84 acres devoted to common area/utility purposes. While the proposed subdivision was previously reviewed and conditionally approved in 2008 (FPP-08-02), the current application and preliminary plat are undergoing review again as the original preliminary plat approval period expired.

The current proposed subdivision is essentially the same as the prior submittal with the exception of particular elements which have been approved by the Montana Department of Environmental Quality (MDEQ) per E.Q. #09-2643. Primary access to the subdivision would be provided to all lots from internal roads approaching onto both Birch Grove Road and US Highway 2. All lots would be served by a single onsite drainfield and a combination of individual and shared wells and an existing public water supply system as approved by MDEQ.

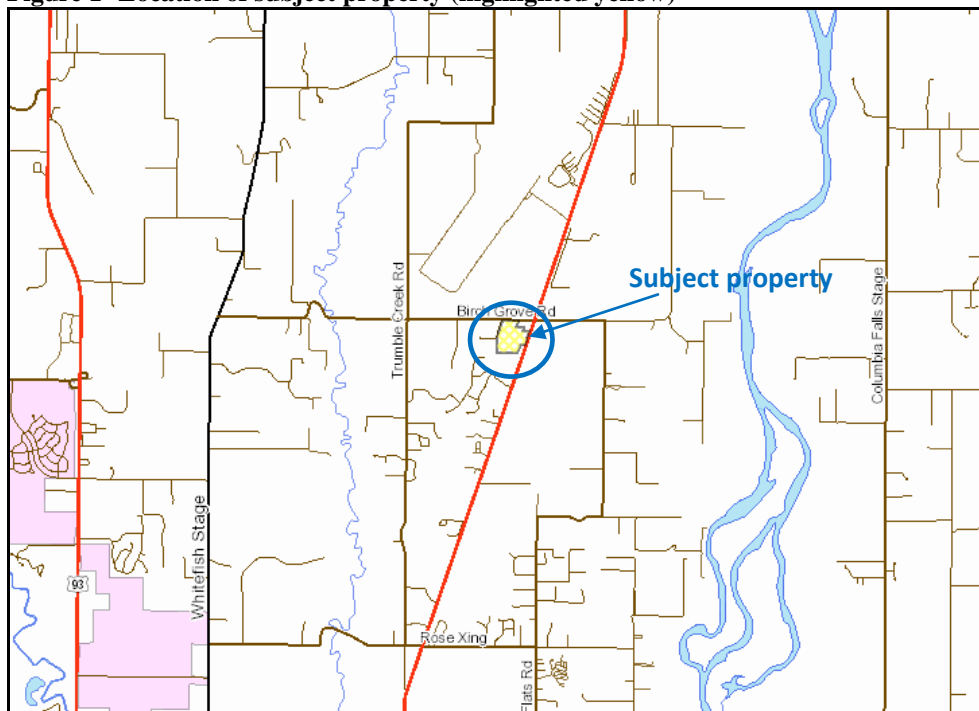
## C. Legal Description of Subject Property

The proposed subdivision is comprised of one tract of record that can be legally described as Tract 1 of COS 15211 (aka Assessor's Tract 1), located in Section 10 Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

## D. Detailed Location

Located approximately six miles northeast of Kalispell, the subject property is situated ½ mile southeast of the Glacier International Airport in the southwest corner formed by the intersection of Birch Grove Road and US Highway 2 (refer to Figure 1).

**Figure 1- Location of subject property (highlighted yellow)**



## E. Subdivision Layout Detail

- |   |                       |
|---|-----------------------|
| i. Total Subdivision Acreage:                 | 29.61 acres           |
| ii. Acreage in Lots:                          | 17.63 acres           |
| iii. Acreage in Roads:                        | 5.14 acres            |
| iv. Total Park/Common Area/Open Space Acreage | 6.84 acres            |
| v. Minimum Lot Size                           | 1.23 acres            |
| vi. Maximum Lot Size                          | 3.16 acres            |
| vii. Overall Gross Lot Density:               | 1 unit per 2.96 acres |
| viii. Easements                               |                       |

The preliminary plat indicates:

- Existing 60-foot public road and utility easement of Birch Grove Road;
- Existing right-of-way of US Highway 2;
- Existing 60-foot private road and utility easement of D and J Lane.

### ix. Common Areas

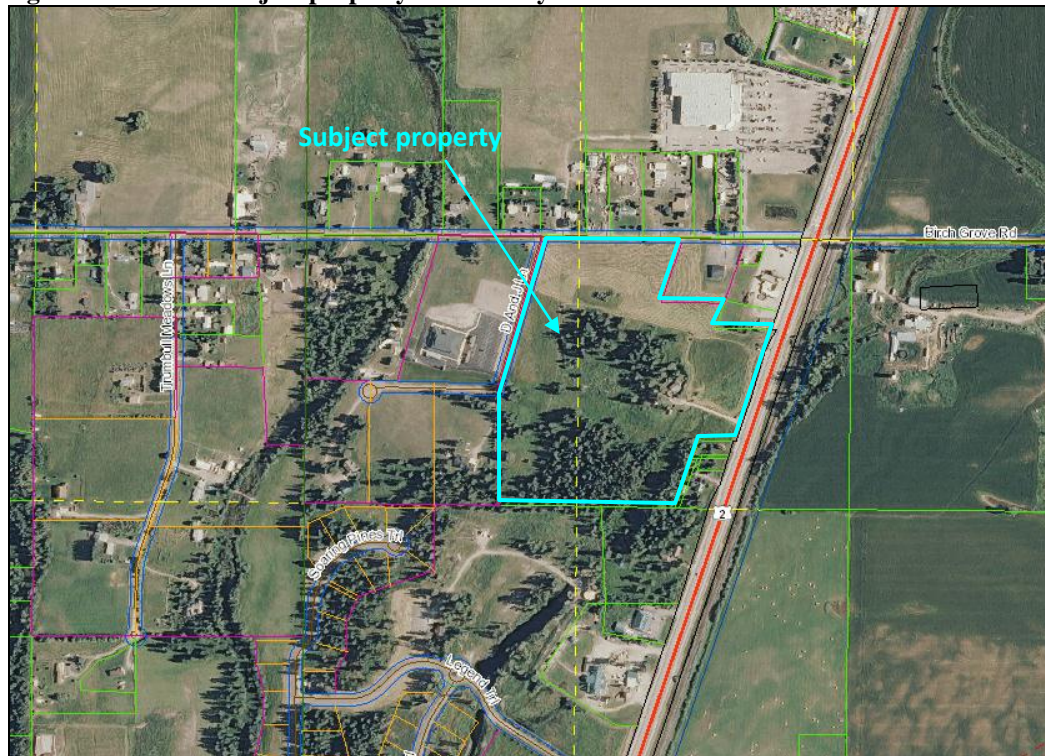
The preliminary plat indicates a variety of common areas within the subdivision including a 4.49 acre 'Residential Buffer/Greenspace' along the south property boundary, a 0.62 acre 'Signage Lot' adjacent to US Highway 2, two common area strips to accommodate a bike path, and 1.45 acre lot to accommodate the proposed onsite public subsurface wastewater treatment system.

## F. Administrative Characteristics

### i. Current Land Use

The subject property is comprised of open fields and forested area, and the property is currently used for residential purposes (refer to Figure 2).

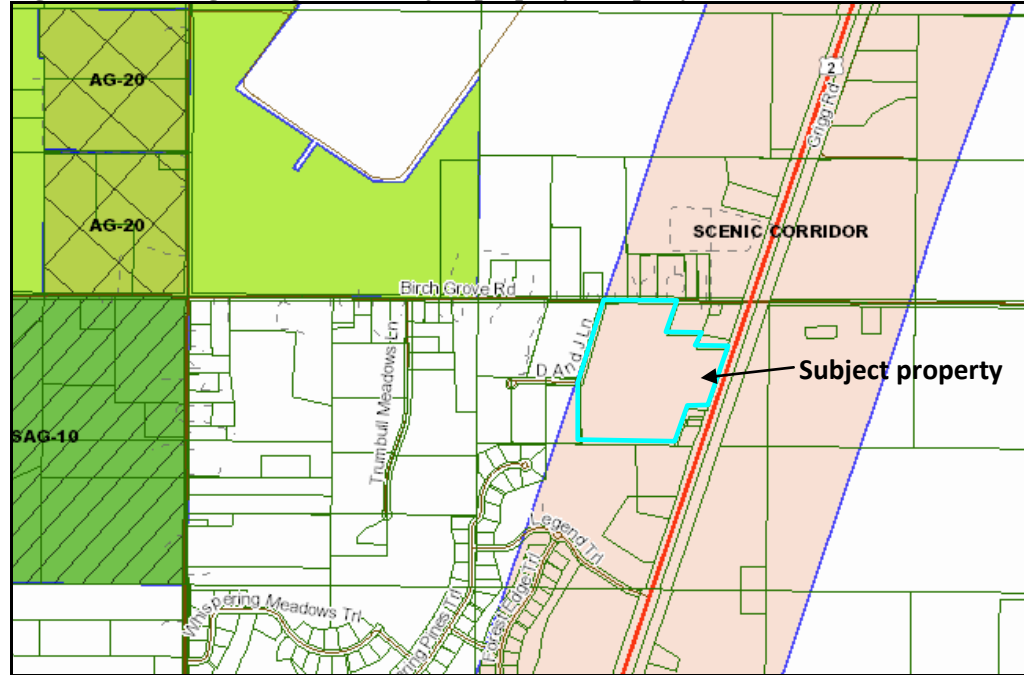
Figure 2 - Current subject property and vicinity land use



**ii. Current Zoning**

The subject property is located in an area of the County that is currently zoned Scenic Corridor, a designation which has direct bearing on placement of billboards used for off-premises advertising and cellular towers, and which has no bearing on land use and/or bulk and dimensional requirements.

**Figure 3 - Existing zoning on the subject property (Property shown blue).**



**iii. Proposed Land Use**

The request is for preliminary plat approval of Glacier International Business Park, a 10 lot commercial/light industrial major subdivision planned to be developed on the 29.61 acre subject property, with approximately 6.84 acres devoted to common area/utility purposes.

**G. Area Characteristics**

**i. Description of Area Surrounding Proposed Subdivision**

Located adjacent to US Highway 2 in close proximity to the Glacier International Airport, the character of the area surrounding the proposed subdivision is a mix of residential, commercial, light industrial, and agricultural land uses. Across the four-lane highway to the east of the property is an active rail line, beyond which is an area of relatively large acreage agricultural and residential tracts.

**ii. Zoning**

As shown in Figure 3 above, the subject property is zoned 'Scenic Corridor' with unzoned areas and areas zoned AG-80, AG-20, and SAG-10 to the west, and unzoned areas occurring to the north, south, and east of the subject property.

**iii. Land Uses**

As shown in Figure 2 above, the subject property is situated in an area which is developed with a mix of agricultural, residential, and commercial uses. Adjacent uses include residential to the north, south, east, and west, a church to the west, light industrial manufacturing and restaurant uses to the north, and agricultural use is prevalent to the east of the property.

**iv. Previously Considered Subdivisions in Area**

Adjacent properties are a combination of platted subdivision lots and tracts created through Certificate of Survey exemptions.

- To the west of the property is a four lot subdivision, D&J Acres comprised of three 4-acre residential lot and a 7.5-acre lot developed with a church. The subject property's western boundary is centered on the paved private D&J Lane which serves D&J Acres and is proposed to provide maintenance access for the 'Drainfield Lot'.
- To the south of the property is a large multi-phase residential subdivision, Glacier Ranch, with approximately 130 half-acre residential lots currently platted with several additional phases currently under active preliminary plat approval.

**H. Utilities and Services**

**i. Water**

Individual wells (Lots 2, 3, 6, 7, 8), shared wells (Lots 4&5, 9&10), and new onsite public water system (Lot 1)

**ii. Wastewater**

New onsite public septic system proposed

**iii. Electricity**

Flathead Electric Cooperative

**iv. Natural Gas**

Northwestern Energy

**v. Solid Waste**

Contract Haul-Evergreen Disposal

**vi. Telephone Service**

Century Tel

**vii. School District(s)**

Kalispell District 5 (K-8), Flathead High School

**viii. Fire District(s)**

Evergreen Fire District

**ix. Police**

Flathead County Sheriff's Department

### **III. COMMENTS RECEIVED**

#### **A. Agency Comments**

The subdivision file contains a copy of the agency referral document sent on December 4, 2013. As of the date of completion of this staff report, the following comments have been received:

- Jim Chilton, Flathead County Solid Waste
  - The District views no negative impact with solid waste issues at this time.
- Dave Prunty, Public Works/Flathead County Road Department
  - Provides perspective on the submitted TIS and vehicle trips estimated to be generated by the subdivision. While it is his opinion there will likely be more than 150 daily vehicle trips generated, he indicates Birch Grove will be capable of handling additional traffic generated in addition to the 1,245 daily trips as counted in July 2012.
- Wendee Jacobs, Flathead City-County Health Department
  - Comment indicates the proposed subdivision received a Certificate of Subdivision Approval on May 3, 2012 from the Montana Department of Environmental Quality, and based on that approval she has no further comments.
- Nathan Holm, Flathead County GIS Department
  - Comment indicates the proposed internal road name of Tarmac Loop is approved by the Flathead County GIS Department.
- James Freyholtz, Montana Department of Transportation
  - Comment indicates the development had previously started the review process for obtaining an approach permit in 2008-2009 but never completed the process. The developer will need to contact MDT to re-start the process to obtain an approach permit for access to US Highway 2. He indicates the review would be done through the MDT System Impact Action Process (SIAP) and contact information is provided to the developer.
- Marc Pitman, Montana DNRC
  - Comment indicates the site is not located in a flood hazard area and there are currently three established water rights appurtenant to the subject property. Ownership of the water rights along with easements to the point(s) of diversion, wells, needs to be either placed in the name of the future HOA or severed from the property, and the owner is advised to consult with Department staff prior to determine who will own the water right once the property is divided.
- Peggy Beekman-Weyant, Bonneville Power Administration
  - Indicated the proposal will not impact any BPA transmission line corridors, and BPA has no objections to the approval of the request.

#### **B. Public Comments**

In accordance with Section 4.1.10, adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on December 16, 2013, legal notice was published in the Daily Interlake on December 22, 2013, and notice of the proposal and public hearing was physically posted onsite on December 19, 2013.

As of the date of the completion of this staff report, no written public comments have been received regarding the proposal. Any written public comment received after December 24, 2013 will be summarized verbally and entered into the public record during the Planning Board hearing on January 8, 2014. Anyone wishing to provide verbal public comment may do so in person at the December 11, 2013 Planning Board hearing.

#### **IV. LOCAL GOVERNMENT REVIEW**

##### **A. Review Criteria**

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed. Definitions of primary review criteria can be found in Section VIII of this report and in Chapter 2 of the Flathead County Development Code.

##### **i. Impact on Agriculture**

While the subject property appears to have historically been used for agriculture, as evidenced by the existing barn, it has clearly not been in active agriculture for some time. The nearest adjacent agricultural use is located across US Highway 2 to the east over 200 feet from the property, and there are no other surrounding agricultural uses. The proposal would not result in a conversion of agricultural production to non-agricultural uses and it does not appear the proposal would impact the ability of area properties to continue to be used for agriculture. The evaluation of the submitted Preliminary Plat, Environmental Assessment, and supporting documentation included with the application has identified no adverse impacts to onsite or area agriculture which would necessitate special mitigation.

##### **Finding #1**

The development's impact on agriculture would be minimal and limited to the subject property because adjacent properties are not dependent upon the subject property for continued agricultural use, agricultural access, or for irrigation water.

##### **ii. Impact on Agricultural Water User Facilities**

The subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties

Comment provided by Marc Pitman of the Montana DNRC indicates there are three existing water rights appurtenant to the subject property, and ownership of the water rights along with easements to the point of diversion well(s) needs to be either placed in the name of the future Subdivision Association or individual lot owners, split, changed, withdrawn or severed from the property. The owner should consult with staff of the DNRC Water Resource Kalispell Regional Office to determine what will be done with these water rights.

##### **Finding #2**

There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, is not party to any irrigation agreements, and there is a mechanism established by the Montana DNRC by which the developer may appropriately update the ownership information pertaining to existing water rights.

### **iii. Impact on Local Services**

#### **1. Water and Wastewater**

During the prior review process of the proposed subdivision (FPP-08-02), the adjacent Glacier Ranch public water/wastewater district was contacted by the applicant with a request to annex to that district. The response from the Glacier Ranch district was that the district did not have the capability to provide services to the proposed subdivision. The proposal for water, therefore, is to use onsite wells for a combination of individual, shared, and public systems to serve all proposed lots. The proposal for wastewater management is to establish an onsite public subsurface wastewater treatment system on the west side of the property in the area depicted as 'Drainfield Lot' on the preliminary plat. The proposed water and wastewater plans for the subdivision are depicted and addressed on the Preliminary Plat and the plans are currently approved by MDEQ under Certificate of Subdivision Approval E.Q. #09-2643, a copy of which is submitted with the application.

As with all subdivisions, both water and sewer services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

#### **Finding #3**

The proposal for water supply and wastewater management for the lots within the subdivision includes the use of onsite wells for a combination of individual, shared, and public water systems and development of an onsite public subsurface wastewater treatment system on the west side of the property in the area depicted as 'Drainfield Lot'. The proposal for water supply and wastewater management appear appropriate and reasonable because the proposed water supply and wastewater management has been approved by the MDEQ under Certificate of Subdivision Approval E.Q. #09-2643 in conjunction with that agency's review of the identical preliminary plat on the subject property as previously preliminarily approved by the Flathead County Board of Commissioners in 2008 before that preliminary plat approval expired.

#### **2. Schools**

The proposal is within the boundaries of the Kalispell School District 5 for K-8 students and the Flathead High School District (Glacier High School) for high school students. No impact on schools is anticipated as the subdivision is intended for commercial purposes and will not generate students to be served by the public school districts.

#### **3. Mail Delivery**

The application indicates a proposed centralized mailbox facility will be established onsite. The proposal for mail delivery appears reasonable and the applicant should be required to provide a letter of approval from the U.S. Postal Service prior to final plat.

#### **4. Recreation**



The proposal is centrally located in the Flathead Valley which is an area with ample opportunities for a wide range of recreation. While commercial subdivisions are exempt from parkland dedication requirements, the preliminary plat and submitted application materials indicate substantial common area referred to as 'Residential Buffer/Greenspace' would be situated along the southern subdivision boundary which would provide some recreational use for future lot owners within the subdivision.

Both Birch Grove Road and US Highway 2 East, adjacent to the proposal site are identified on the Flathead County Trails Plan as planned future routes for bicycle/pedestrian pathways. Pursuant to Section 4.7.19 FCSR a 15-foot wide easement is required to be established along subdivision boundaries abutting those routes for the purpose of locating future pathways. The preliminary plat indicates two strips of land adjacent to Birch Grove Road which are labeled 'Bike Path' for such purpose. As depicted, the 'Bike Path' areas would constitute two distinct tracts of taxable Common Area within the subdivision as opposed to the more typical approach which is to simply delineate an easement across pertinent Lots for the purposes of complying with Section 4.7.19 FCSR. US Highway 2 is identified as a proposed future arterial bicycle/pedestrian pathway route, and the preliminary plat should be conditioned to show a compliant easement along the subdivision boundary fronting that route.

#### **Finding #4**

The pedestrian/bicycle easement requirements of Section 4.7.19 FCSR are applicable because the subject property is adjacent to a proposed connector and arterial bicycle/pedestrian pathways identified on the Flathead County Trail Plan, Birch Grove Road and US Highway 2 respectively. The requirements of Section 4.7.19 FCSR have not been adequately addressed because the preliminary plat fails to indicate a 15-foot wide pathway easement adjacent to US Highway 2.

#### **5. Roads**

As shown on the preliminary plat, primary access for the Lots within the subdivision would be from a proposed internal road system called Tarmac Loop which would be accessed by Birch Grove Road, a paved County maintained road and US Highway 2, a four lane highway equipped with a center turn-lane and which is posted with a 65-mph speed limit at the location of the proposed highway approach. Tarmac Loop is proposed to be constructed and paved 24 feet wide with 2-foot wide shoulders.

The submitted traffic impact study (TIS) assumes 100 vehicle trips per day would be generated by the 10 lots of the subdivision (based on an estimate of 10 employees per business on each lot). The TIS indicates that the intersections of proposed Tarmac Loop with Highway 2 and Birch Grove Road as well as nearby Birch Grove Road and Trumble Creek Road would have the same level of service pre and post construction. According to Table 2 of the TIS, the noted intersections would continue to perform at a minimum level of service C or better, and documented crash data for US Highway 2 does not indicate any safety

concerns related to the proposal. Therefore, the TIS does not recommend any modifications to existing roadways or intersections.

As indicated on the preliminary plat, the internal road would be established as a looped road system providing access to all Lots, and it includes an interior alley network to provide rear commercial loading service for lots 7-10. The proposed 20-foot wide alleys converge at a central intersection, the intersection design details have not been clearly determined. It appears the location may be developed as either a 4-way intersection or as a one-way round-about feature. In order to maintain safe functionality of the alley system, the intersection should be required to be designed and constructed in compliance with applicable Flathead County Road and Bridge Department standards.

As indicated in the submitted Environmental Assessment and shown on the preliminary plat, adjacent existing D&J Lane would be used only for maintenance access to the 'Drainfield Lot', and Lots 3 and 4 are labeled 'No Access' adjacent to D&J Lane. Based on submitted information and discussion with Rick Breckenridge, the subject property has legal use of D&J Lane, but the developer wishes to limit use of the road by future lots in the subdivision in order to not impact the road and its residential users. The plat shows Tarmac Loop would be constructed to join D&J Lane at a location between Lots 4 and 5. In order to not promote unintended use of D&J Lane by future lot owners and commercial clientele of the proposed subdivision, Tarmac Loop should be required to be equipped with either a gate or chain at the intersection of D&J Lane so the road is accessible but limited to maintenance use as proposed by the applicant.

Maintenance of roads and related infrastructure is proposed to be addressed as a Road User's Association responsibility as established in the submitted draft Road User's Agreement document. The application also includes a copy of proposed CC&R's for the proposed subdivision which addresses long-term maintenance of the private road and utility easements and common areas as a responsibility of all future lot owners as members of an 'Owner's Association'. The submitted draft Road User's Agreement contains language referring to road names which differ from the road name 'Tarmac Loop' as shown on the preliminary plat. In order to establish an effective maintenance provision for the proposed road system which is compliant with Section 4.7.15(e) FCSR, the Road User's Agreement should be required to be amended to correctly include the appurtenant road name(s) which will be formally established in the subdivision as approved pursuant to Flathead County Resolution 1626C and shown on the face of the final plat.

Approach permits from the Flathead County Road and Bridge Department and the Montana Department of Transportation would be required per section 4.7.17 FCSR for the approaches of proposed Tarmac Loop onto Birch Grove Road and US Highway 2, and written comments from those agencies indicate no outstanding concerns with the proposal.

#### **Finding #5**

Primary access to the subdivision and its internal road network would be from Birch Grove Road and U.S. Highway 2. The anticipated impact of traffic

generated by the proposed subdivision on existing area roads and intersections appears minimal and acceptable because the submitted Traffic Impact Study recommends no improvements to the existing transportation network be required as it identified no adverse impact to existing area roads or intersections attributable to the proposed subdivision; the subdivision roads would be constructed and paved to meet Flathead County Road and Bridge Department standards for sub-grade structure, width, and paving, and; a requirement for approach permits for the locations where the new road system would approach onto Birch Grove Road and U.S. Highway 2 would ensure that the new road intersections would be developed in a well-designed and safe manner.

**Finding #6**

As currently proposed, the planned road alley network serving Lots 7-10 may adversely impact local services and user safety because details related to design of the four-way intersection have not been presented for review, and as such there is no indication alleys would function safely and effectively.

**Finding #7**

As proposed, use of the adjacent and private D&J Lane by the proposed subdivision would only be for accessing and maintaining the drainfield system to be located between Lots 3 & 4. Without the imposition of an additional condition to control access through the intersection of proposed Tarmac Loop and D&J Lane with a gate or chain, the subdivision may adversely impact D&J Lane and property owners of D&J Acres because unintended additional traffic from the proposed subdivision would likely use the private road for ingress and egress.

**Finding #8**

Maintenance of roads and related infrastructure is proposed to be addressed as a Road User's Association responsibility as established in the submitted draft Road User's Agreement document. Unless the Road User's Agreement is amended, the subdivision could adversely impact local services in regard to road maintenance because the draft Road User's Agreement contains language referring to road names which differ from the proposed road name 'Tarmac Loop' as shown on the preliminary plat.

**6. Fire/Emergency Medical Services**

The site is currently located within the Evergreen Fire District and a fire station with Advanced and Basic Life Support services is located directly adjacent to the subject property on Birch Grove Road. The Kalispell Regional Medical Center is approximately 7.5 driving miles from the proposed subdivision. The preliminary plat indicates the development design includes installation of a new fire suppression cistern to be filled from water from the well on Lot 2.

**Finding #9**

The proposal would not adversely impact services of the Evergreen Fire District because the location is in close proximity to a fire station, the site would be developed with a fire suppression cistern to aid in fire suppression, and adequate access may be provided for emergency vehicles.

**7. Police Services**

The property is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff. Although solicited, the Sheriff's Department has provided no comment. Given existing staffing levels, the size of the County and the dispersed nature of the population, service to this subdivision is anticipated to be consistent with other unincorporated rural areas of Flathead County and delayed response times may be experienced.

**8. Solid Waste Disposal**

The applicant is proposing contract haul as a mechanism for solid waste disposal. A letter from the Flathead County Solid Waste District supports the proposed method of waste disposal as the District requests that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill.

**9. Other Utilities**

Electric, telephone, and other utilities are required to be placed underground within the existing and proposed utility easements to serve the lots within the subdivision. As stated in the application, Flathead Electric will provide electrical power and CenturyTel will provide telephone service.

Pursuant to Section 4.7.23 FCSR, utility easements a minimum of 10-feet in width should be established and shown on the face of the final plat where waterlines associated with proposed shared wells and the public water system for Lot 1 will be installed.

**Finding #10**

Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available and can be developed to serve the property within access and utility easements, emergency service providers would have adequate access to the subdivision, a compliant mechanism for road maintenance exists, and the proposal would not adversely impact public water and wastewater services.

**Finding #11**

Impact to the other criteria discussed relative to 'impact on local services' would be minimal and acceptable with the imposition of conditions because the subject property and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.

**iv. Impact on the Natural Environment**

**1. Water Quality**

There is no surface water or indication of shallow ground water less than four feet from the surface present on the subject property. Wastewater from all proposed lots would be managed through a public sewer system to be developed onsite and currently permitted by MDEQ pursuant to E.Q. #09-2643. Submitted application materials indicate stormwater runoff would be managed on-site through the use of curb/gutter along internal roadways, sediment traps, and infiltration basins. The proposed water supply, sanitation, and stormwater drainage for both lots would be required to be reviewed and approved by the Flathead County Environmental

Health Department and the Montana Department of Environmental Quality as applicable prior to final plat approval.

**2. Air Quality**

As the subdivision is accessed by a paved county road and the internal subdivision road network is proposed to be paved, lasting impacts to air quality are not anticipated as a result of the subdivision. The applicant has submitted a draft Dust Abatement Plan compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

**3. Impact of Noise**

The subdivision is situated in an area where established facilities in close proximity generate regular substantial noise, including Glacier International Airport, US Highway 2, and the Great Northern Railroad. Development of the subdivision would likely generate minimal noise during construction. The proposed commercial/light industrial use is not anticipated to generate permanent continuous impacting noise to area residents or wildlife.

**4. Impact to Flora**

The subject property is comprised of relatively flat and open fields mixed with patches of forest. Agriculture use was practiced in the past and the fields appear to be presently uncultivated and infested with weeds. In addition to the prevalent fields and forest on the property, there is a slight swale/depression area encompassed within the 'Residential Buffer/Greenspace' and 'Signage Lot' common areas which appears to contain cattails and other vegetation indicative of a wetland. As all onsite subdivision improvements would be located away from the wetland and forested areas contained within the 'Residential Buffer/Greenspace', the anticipated adverse impacts to flora would be removal of trees and other vegetation for road development and potential additional propagation of weeds on those disturbed areas if not managed appropriately. Pursuant to Section 4.7.25 FCSR the applicant would be required to develop and implement a weed management plan specific to be approved by the Flathead County Weed Board prior to final plat approval.

**5. Impact to Floodplain**

There are no surface waters on the subject property, and the property is not located in a special flood hazard area and the location is mapped as an area of 0.2% annual chance flood, aka Zone X per FEMA FIRM Panel 1420H.

**6. Impact to Riparian/Wetland Areas**

While there are no surface waters on the subject property, what appears as a vestige drainage swale/depression area containing limited wetland vegetation extends from the existing residential driveway to the southern property boundary. As proposed, the subdivision would not impact wetland or riparian areas on the subject property because wetland area is limited to areas of the property within the 'Residential Buffer/Greenspace' and 'Signage Lot' common areas where no subdivision improvements are planned.

## **7. Impact to Historical Features**

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property. Submitted comment from Montana Historical Society indicates no record of historical structures located on the subject property.

### **Finding #12**

Adverse impacts to water quality as a result of the subdivision are not anticipated because there is no surface water or indication of shallow ground water less than four feet from the surface present on the subject property; all lots would use a public sewer system which would be subject to stringent monitoring and maintenance requirements per the approval MDEQ permit E.Q. #09-2643; stormwater management would prevent direct discharge of stormwater from entering area surface waters, and; the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

### **Finding #13**

Minimal impacts to flora are anticipated because the area proposed for development has been used historically for agriculture and residential purposes; no plant species of concern have been identified as being present in that area of the subject property; the proposed 'Residential Buffer/Greenspace' and 'Signage Lot' common areas would serve to preserve forested areas in their vegetated state and buffer subdivision improvements from wetlands within a vestige depression/swale, and; completion and implementation of a weed control plan as a condition of preliminary plat approval would mitigate existing weeds and minimize the potential for propagation of additional weeds in disturbed areas.

### **Finding #14**

Impacts to designated floodplain are not anticipated because there are no surface waters on the property and the subject property is mapped as Zone X floodplain which is not subject to regulation in subdivisions pursuant to Section 4.7.9 FCSR.

### **Finding #15**

The proposed subdivision is not anticipated to adversely impact wetlands because the small wetland area onsite would not be altered as a result of subdivision improvements as the wetland area is contained within the proposed 'Residential Buffer/Greenspace' and 'Signage Lot' common areas where there would be no development activity.

### **Finding #16**

Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to mitigate dust and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to 'impact on the natural environment' would be minimal and acceptable with the imposition of conditions.

**v. Impact on Wildlife**

The subject property is within a semi-rural area developed with agricultural, residential and commercial uses in close proximity to Glacier International Airport and adjacent to US Highway 2. While submitted data from the Montana Natural Heritage Program indicates a few ‘species of concern’ such as grizzly bear and Canadian lynx occur within the same ‘Section, Township, and Range’ of the proposed subdivision, the specific site contains no natural surface water and only a small areas of forest and wetland which are fragmented from more intact critical wildlife habitat for those species.

**Finding #17**

Adverse impacts of the proposed subdivision on wildlife are not anticipated because the property is not known to be inhabited by ‘species of concern’ which have been identified as being present at certain locations within a course general vicinity of the subdivision and the property and immediate surrounding area character, terrain, and habitat non-conducive to sustaining significant populations of wildlife.

**vi. Impact on Wildlife Habitat**

The subject property is comprised of relatively flat terrain with a mix of open and forested land which appears to have been used for agriculture in the past and is currently used for residential purposes. While the subject property provides some limited habitat for wildlife, the limited forest and wetland habitat would be buffered from subdivision development impacts within a designated ‘Residential Buffer/Greenspace’ common area. While areas of forest and minimal wetlands occur onsite, the subject property is adjacent to a property developed with a restaurant, adjacent to major arterial highway, and is in close proximity to Glacier International Airport. The general vicinity appears to have long since been fragmented from larger productive wildlife habitat areas.

**Finding #18**

The proposed subdivision is not anticipated to introduce adverse impacts to wildlife habitat critical to sensitive species of concern because the subject property contains only minimal habitat which would be preserved within a designated ‘Residential Buffer/Greenspace’ common area and the site is located in a developed highway corridor in close proximity to commercial and airport uses where natural wildlife habitat appears to have been fragmented from larger productive wildlife habitat areas.

**vii. Impact on Public Health and Safety**

**1. Flood Risk**

The subject property has no streams or other surface waters and according to FEMA FIRM Panel 1420H, the subdivision is located in an area designated as Zone X - within an area of only 0.2% annual chance floodplain. Therefore the proposal would not introduce adverse impacts to public health and safety in regard to flooding.

**2. Water and Wastewater Treatment**

All lots are proposed to be served by a combination individual wells (Lots 2, 3, 6, 7, 8), shared wells (Lots 4&5, 9&10), and a new onsite public water system (Lot 1). The proposed use of a new public sewer system would ensure safety for users because that type of system is subject to a high level of regular monitoring and maintenance. The proposed water and wastewater systems would be required to be reviewed and approved by the Flathead County Environmental Health Department, and the Montana Department of Environmental Quality, as applicable.

**3. Stormwater**

The submitted Stormwater Drainage Plan establishes the conceptual plan for stormwater management and indicates no stormwater drainage would enter the surface waters as a result of runoff from the subdivision. The plan appears to adequately manage stormwater onsite through the use of curb/gutter along internal roads directing stormwater to sediment traps and infiltration basins. As there would be more than one acre of ground disturbed through the installation of subdivision improvements it is anticipated the developer will be required to obtain a General Permit for Stormwater Discharges Associated with Construction Activity issued by the MDEQ.

**4. Road Network**

Legal and physical access will be provided to each lot from the proposed looped internal road system which would approach onto Birch Grove Road and US Highway 2 as shown on the preliminary plat. The new internal road system is proposed to be designed, built and paved to current applicable county standards. The submitted TIS indicates impacts from the traffic anticipated to be generated from the subdivision would not necessitate offsite improvements to area roads or intersections considering the condition of those road features and the volume of traffic they currently accommodate at various peak hours.

Copies of the Preliminary Plat, Environmental Assessment, and TIS were provided to Dave Prunty of the Flathead County Road and Bridge Department and James Freyholtz of Montana Department of Transportation (MDT).

- Comment from the Flathead County Road and Bridge Department indicates Birch Grove Road will be capable of handling the additional traffic generated from the development.
- Comment from MDT indicates a particular review from the MDT System Impact Action Process is required for the planned road approach onto US Highway 2, and it is presumed that process would thoroughly evaluate safety concerns before permitting the approach to be constructed and used.

**5. High Voltage Electric Lines/High Pressure Gas Lines**

There are no exposed high voltage electric lines or high pressure gas lines on the subject property.



**6. Fire and Emergency Services**

The property is not mapped as being within the Wildland Urban Interface, and the subdivision's land-cover is comprised mainly of open fields with limited forested area proposed to be preserved within a 'Residential Buffer/Greenspace' common area located in the southern area of the subject property. The site is located within the Evergreen Fire District, and a fire station with Advanced and Basic Life Support services is located directly adjacent to the subject property and the Kalispell Regional Medical Center is approximately 7.5 driving miles from the proposed subdivision. The preliminary plat and submitted application materials indicate the development design includes a fire suppression cistern which would be required to comply with the specific standards of the Evergreen Fire District.

**7. Geologic Hazards**

The subject property is generally flat with gently rolling terrain and there is no indication the site has any geologic hazards affecting reasonable development of the site. The submitted environmental assessment and groundwater monitoring data indicate relatively shallow groundwater with monitored groundwater occurring between 66-94 inches below the ground surface. According to the submitted Environmental Assessment, the drainfield for the proposed public sewer system has been designed to be installed at an area with greatest vertical separation from groundwater, and discussion in the submitted Environmental Assessment suggests *"This amount of separation is not problematic in commercial construction and can be accommodated through appropriate site design and proper construction techniques."* It appears that future improvements such as basements, crawlspaces, or subterranean parking garages should be discouraged due to the risk associated with seasonally fluctuating high ground water, and a condition requiring a related statement on the face of the final plat could serve to inform future landowners of relatively shallow groundwater and that basements, crawlspaces, or subterranean parking garages are not advisable.

**8. Avalanche Hazards**

The subdivision is not located in an area of the County considered to be prone to avalanche hazards.

**9. Airport Influence Areas**

Located approximately 3000 feet southeast of Glacier International Airport's airplane runways, the proposal site occurs within an area defined as the "Horizontal Surface" of the Airport Affected Area as indicated on the FAR Part 77 Airspace Plan for the airport. While the airport administration has not responded to recent solicitation for comment regarding this proposal comment was submitted in regard to the prior review of this preliminary plat (FPP-08-02) indicating there are potential height limitations applicable to new development of the lots within the subdivision. The applicant should be required to comply with reasonable Glacier International Airport requests.

**10. Soils**

As indicated in submitted application materials, soils on the subject property are generally comprised of a variety of silty, sandy, and gravelly loams referred to as Swimms-Kiwanis soils which generally are described as well drained soils having

low shrink-swell potential. It is anticipated soils onsite would not pose a risk for health and safety for typical commercial uses and road development, as other area properties and roads similarly situated are developed with no indication of problems related to soils and geology.

**Finding #19**

The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters, and according to FEMA FIRM Panel 1420H, the subject property is not located within a Special Flood Hazard Area but is located within an area mapped as Zone X - 0.2% annual chance flood area.

**Finding #20**

The effects of this proposed subdivision on public health and safety in regard to the proposal for water and wastewater treatment appear acceptable because the proposal would use onsite wells for water and a new onsite public sewer system which would be subject to stringent MDEQ monitoring and maintenance requirements.

**Finding #21**

Impacts of the proposed subdivision on the area road network appear to be acceptable because the submitted Traffic Impact Study indicates no offsite improvements to area roads or intersections are necessary; comments from the Montana Department of Transportation indicate a review by the MDT System Impact Action Process is required for the new approach onto US Highway 2, and it is presumed that process would thoroughly evaluate safety concerns before permitting the approach to be constructed and used, and; the Flathead County Road and Bridge Department indicated Birch Grove Road will be capable of handling the additional traffic generated from the development.

**Finding #22**

Future commercial lot development with features such as basements, crawlspaces, or subterranean parking garages should be discouraged due to potential risk to public health and safety because groundwater monitoring has identified the subject property is subject to seasonally fluctuating shallow groundwater occurring between 66-94 inches below the ground surface.

**Finding #23**

The proposed subdivision may pose a risk to public health and safety in regard to hazards associated with its close proximity to the Glacier International Airport because the site is located within an area defined as Airport Affected Area as indicated on the FAR Part 77 Airspace Plan for the airport, and new uses in the Airport Affected Area are potentially subject to federally regulated height restrictions.

**Finding #24**

Minimal risks to public health and safety are anticipated with the imposition of conditions because the proposal for water, sanitation, and stormwater will be required to be reviewed and approved prior to installation of the proposed new facilities; adequate physical and legal access to the subdivision can be provided; adequate emergency services are available for the subdivision; there are no mapped Special

Flood Hazard Areas within the subdivision ; there are no high voltage electric or high pressure gas lines on or around the subject property; and, there are no apparent hazards associated with geology, avalanche, or airport influence areas which cannot be adequately mitigated through the imposition of conditions.

**B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.**

**Finding #25**

The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements necessary to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

**C. Compliance with the Flathead County Subdivision Regulations**

**Finding #26**

No variances are requested or required, and no phasing plan has been proposed. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective June 1, 2012 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

**D. Compliance with the Flathead County Subdivision Review Procedure**

**i. Pre-application Conference Date**

July 29, 2013

**ii. Application Deadline Date (6 months from pre-application)**

January 29, 2013 (application submitted October 30, 2013)

**iii. Completeness Date**

November 4, 2013

**iv. Sufficiency Date**

November 26, 2013

**v. Agency Referral Requests Mailing Date**

December 4, 2013

**vi. Adjacent Property Notification Mailing Date**

December 16, 2013

**vii. Legal Notice Publication Date**

December 22, 2013

**viii. On-site Posting of Public Hearing Date**

December 19, 2013

**Finding #27**

The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective June 1, 2012.

**E. Provision of Easements for the Location and Installation of Planned Utilities**

While the preliminary plat identifies a variety of easements, particularly related to roads, the preliminary plat does not adequately address easements for underground

waterline utilities. Pursuant to Section 4.7.23(c) the waterlines for shared wells between Lots 4-5, Lots 9-10, and the public water system source in the 'Residential Buffer/Greenspace' for Lot 1 should be established within utility easements at least 10-feet in width, and the easements should be clearly indicated on the face of the final plat.

**Finding #28**

All easements associated with this subdivision and the subdivided property are required to be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the requirements of Section 4.7.23 of the Flathead County Subdivision Regulations. While the preliminary plat identifies adequate easements for utilities within the internal road easements to serve the subdivision, the requirements of Section 4.7.23 are not currently met because the preliminary plat does not indicate necessary waterline utility easements for the proposed shared wells between Lots 4-5, Lots 9-10, and the public water system source in the 'Residential Buffer/Greenspace' for Lot 1.

**F. Provision of Legal and Physical Access to Each Parcel**

**Finding #29**

The proposal indicates there is compliant legal and physical access to each Lot because Birch Grove Road and US Highway 2 are public roads which would provide legal and physical access to the subdivision; the proposed looped internal road system would provide legal and physical access to the individual Lots; the internal road system would occur within a 60 foot wide private road and utility easement, and would be constructed and paved in compliance with applicable Flathead County standards, and; the proposal includes a compliant plan for private maintenance of the internal road system.

**G. Review of Applicable Plans**

76-1-605(2)(b) M.C.A states that "A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter." Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

**i. Neighborhood Plan**

The subject property is not located within an area of the County guided by a specific neighborhood plan.

**ii. Flathead County Growth Policy**

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

## **H. Compliance with Local Zoning**

The proposed subdivision is located in an area of Flathead County zoned as ‘Scenic Corridor’ which pertains only to off-premises advertising and location of cellular towers, and otherwise the location is not zoned in regard to specific land uses. While the site is developed with an existing off-premises advertising billboard situated in the area depicted as ‘Signage Lot’ on the preliminary plat, the billboard is recognized as pre-existing the applicability of the ‘Scenic Corridor’ zoning overlay. While no additional off-premises advertising signage would be allowed to be erected on the subject property, future on-premises commercial buildings may implement advertising signage and still maintain compliance with the applicable zoning for the property.

### **Finding #30**

The proposed subdivision would comply with the Flathead County Zoning Regulations because the site is zoned ‘Scenic Corridor’ and the proposal does not entail new off-premises advertising or cell towers.

## **V. SUMMARY OF FINDINGS**

1. The development’s impact on agriculture would be minimal and limited to the subject property because adjacent properties are not dependent upon the subject property for continued agricultural use, agricultural access, or for irrigation water.
2. There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, is not party to any irrigation agreements, and there is a mechanism established by the Montana DNRC by which the developer may appropriately update the ownership information pertaining to existing water rights.
3. The proposal for water supply and wastewater management for the lots within the subdivision includes the use of onsite wells for a combination of individual, shared, and public water systems and development of an onsite public subsurface wastewater treatment system on the west side of the property in the area depicted as ‘Drainfield Lot’. The proposal for water supply and wastewater management appear appropriate and reasonable because the proposed water supply and wastewater management has been approved by the MDEQ under Certificate of Subdivision Approval E.Q. #09-2643 in conjunction with that agency’s review of the identical preliminary plat on the subject property as previously preliminarily approved by the Flathead County Board of Commissioners in 2008 before that preliminary plat approval expired.
4. The pedestrian/bicycle easement requirements of Section 4.7.19 FCSR are applicable because the subject property is adjacent to a proposed connector and arterial bicycle/pedestrian pathways identified on the Flathead County Trail Plan, Birch Grove Road and US Highway 2 respectively. The requirements of Section 4.7.19 FCSR have not been adequately addressed because the preliminary plat fails to indicate a 15-foot wide pathway easement adjacent to US Highway 2.
5. Primary access to the subdivision and its internal road network would be from Birch Grove Road and U.S. Highway 2. The anticipated impact of traffic generated by the proposed subdivision on existing area roads and intersections appears minimal and

acceptable because the submitted Traffic Impact Study recommends no improvements to the existing transportation network be required as it identified no adverse impact to existing area roads or intersections attributable to the proposed subdivision; the subdivision roads would be constructed and paved to meet Flathead County Road and Bridge Department standards for sub-grade structure, width, and paving, and; a requirement for approach permits for the locations where the new road system would approach onto Birch Grove Road and U.S. Highway 2 would ensure that the new road intersections would be developed in a well-designed and safe manner.

6. As currently proposed, the planned road alley network serving Lots 7-10 may adversely impact local services and user safety because details related to design of the four-way intersection have not been presented for review, and as such there is no indication alleys would function safely and effectively.
7. As proposed, use of the adjacent and private D&J Lane by the proposed subdivision would only be for accessing and maintaining the drainfield system to be located between Lots 3 & 4. Without the imposition of an additional condition to control access through the intersection of proposed Tarmac Loop and D&J Lane with a gate or chain, the subdivision may adversely impact D&J Lane and property owners of D&J Acres because unintended additional traffic from the proposed subdivision would likely use the private road for ingress and egress.
8. Maintenance of roads and related infrastructure is proposed to be addressed as a Road User's Association responsibility as established in the submitted draft Road User's Agreement document. Unless the Road User's Agreement is amended, the subdivision could adversely impact local services in regard to road maintenance because the draft Road User's Agreement contains language referring to road names which differ from the proposed road name 'Tarmac Loop' as shown on the preliminary plat.
9. The proposal would not adversely impact services of the Evergreen Fire District because the location is in close proximity to a fire station, the site would be developed with a fire suppression cistern to aid in fire suppression, and adequate access may be provided for emergency vehicles.
10. Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available and can be developed to serve the property within access and utility easements, emergency service providers would have adequate access to the subdivision, a compliant mechanism for road maintenance exists, and the proposal would not adversely impact public water and wastewater services.
11. Impact to the other criteria discussed relative to 'impact on local services' would be minimal and acceptable with the imposition of conditions because the subject property and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.
12. Adverse impacts to water quality as a result of the subdivision are not anticipated because there is no surface water or indication of shallow ground water less than four feet from the surface present on the subject property; all lots would use a public sewer system which would be subject to stringent monitoring and maintenance requirements

per the approval MDEQ permit E.Q. #09-2643; stormwater management would prevent direct discharge of stormwater from entering area surface waters, and; the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.

13. Minimal impacts to flora are anticipated because the area proposed for development has been used historically for agriculture and residential purposes; no plant species of concern have been identified as being present in that area of the subject property; the proposed 'Residential Buffer/Greenspace' and 'Signage Lot' common areas would serve to preserve forested areas in their vegetated state and buffer subdivision improvements from wetlands within a vestige depression/swale, and; completion and implementation of a weed control plan as a condition of preliminary plat approval would mitigate existing weeds and minimize the potential for propagation of additional weeds in disturbed areas.
14. Impacts to designated floodplain are not anticipated because there are no surface waters on the property and the subject property is mapped as Zone X floodplain which is not subject to regulation in subdivisions pursuant to Section 4.7.9 FCSR.
15. The proposed subdivision is not anticipated to adversely impact wetlands because the small wetland area onsite would not be altered as a result of subdivision improvements as the wetland area is contained within the proposed 'Residential Buffer/Greenspace' and 'Signage Lot' common areas where there would be no development activity.
16. Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to mitigate dust and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to 'impact on the natural environment' would be minimal and acceptable with the imposition of conditions.
17. Adverse impacts of the proposed subdivision on wildlife are not anticipated because the property is not known to be inhabited by 'species of concern' which have been identified as being present at certain locations within a course general vicinity of the subdivision and the property and immediate surrounding area character, terrain, and habitat non-conducive to sustaining significant populations of wildlife.
18. The proposed subdivision is not anticipated to introduce adverse impacts to wildlife habitat critical to sensitive species of concern because the subject property contains only minimal habitat which would be preserved within a designated 'Residential Buffer/Greenspace' common area and the site is located in a developed highway corridor in close proximity to commercial and airport uses where natural wildlife habitat appears to have been fragmented from larger productive wildlife habitat areas.
19. The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters, and according to FEMA FIRM Panel 1420H, the subject property is not located within a Special Flood Hazard Area but is located within an area mapped as Zone X - 0.2% annual chance flood area.

20. The effects of this proposed subdivision on public health and safety in regard to the proposal for water and wastewater treatment appear acceptable because the proposal would use onsite wells for water and a new onsite public sewer system which would be subject to stringent MDEQ monitoring and maintenance requirements.
21. Impacts of the proposed subdivision on the area road network appear to be acceptable because the submitted Traffic Impact Study indicates no offsite improvements to area roads or intersections are necessary; comments from the Montana Department of Transportation indicate a review by the MDT System Impact Action Process is required for the new approach onto US Highway 2, and it is presumed that process would thoroughly evaluate safety concerns before permitting the approach to be constructed and used, and; the Flathead County Road and Bridge Department indicated Birch Grove Road will be capable of handling the additional traffic generated from the development.
22. Future commercial lot development with features such as basements, crawlspaces, or subterranean parking garages should be discouraged due to potential risk to public health and safety because groundwater monitoring has identified the subject property is subject to seasonally fluctuating shallow groundwater occurring between 66-94 inches below the ground surface.
23. The proposed subdivision may pose a risk to public health and safety in regard to hazards associated with its close proximity to the Glacier International Airport because the site is located within an area defined as Airport Affected Area as indicated on the FAR Part 77 Airspace Plan for the airport, and new uses in the Airport Affected Area are potentially subject to federally regulated height restrictions.
24. Minimal risks to public health and safety are anticipated with the imposition of conditions because the proposal for water, sanitation, and stormwater will be required to be reviewed and approved prior to installation of the proposed new facilities; adequate physical and legal access to the subdivision can be provided; adequate emergency services are available for the subdivision; there are no mapped Special Flood Hazard Areas within the subdivision ; there are no high voltage electric or high pressure gas lines on or around the subject property; and, there are no apparent hazards associated with geology, avalanche, or airport influence areas which cannot be adequately mitigated through the imposition of conditions.
25. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements necessary to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.
26. No variances are requested or required, and no phasing plan has been proposed. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective June 1, 2012 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.



27. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective June 1, 2012.
28. All easements associated with this subdivision and the subdivided property are required to be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the requirements of Section 4.7.23 of the Flathead County Subdivision Regulations. While the preliminary plat identifies adequate easements for utilities within the internal road easements to serve the subdivision, the requirements of Section 4.7.23 are not currently met because the preliminary plat does not indicate necessary waterline utility easements for the proposed shared wells between Lots 4-5, Lots 9-10, and the public water system source in the 'Residential Buffer/Greenspace' for Lot 1.
29. The proposal indicates there is compliant legal and physical access to each Lot because Birch Grove Road and US Highway 2 are public roads which would provide legal and physical access to the subdivision; the proposed looped internal road system would provide legal and physical access to the individual Lots; the internal road system would occur within a 60 foot wide private road and utility easement, and would be constructed and paved in compliance with applicable Flathead County standards, and; the proposal includes a compliant plan for private maintenance of the internal road system.
30. The proposed subdivision would comply with the Flathead County Zoning Regulations because the site is zoned 'Scenic Corridor' and the proposal does not entail new off-premises advertising or cell towers.

## **VI. CONCLUSION**

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to Findings of Fact stated above, or can be mitigated with conditions of approval. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation.

## **VII. CONDITIONS**

### **A. Standard Conditions**

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall comply with reasonable fire suppression and access requirements of the Evergreen Fire District. A letter from the fire chief stating that the plat meets the requirements of the fire District shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]

3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25, FCSR]
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
5. With the application for final plat, the applicant shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
6. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed and approved as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Section 4.7.12, 4.7.20, 4.7.21 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
10. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
  - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
  - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
  - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]

11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
12. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
13. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
15. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16, FCSR]
16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13, FCSR]
17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

## **B. Project-Specific Conditions**

18. Bicycle/pedestrian path easements of compliant width (15-feet) shall be shown on the face of the final plat along the subdivision boundaries where they abut Birch Grove Road and US Highway 2. [Section 4.7.19 FCSR]
19. The proposed alleys serving Lots 7-10 shall be constructed with a minimum 16-foot paved driving surface, and the central alley intersection shall be designed and constructed as either a compliant 4-way intersection or a one-way round-about traffic circulation feature. [Sections 4.7.17 , 4.7.18 FCSR]
20. Tarmac Loop shall be equipped with either a gate or chain at the intersection of D&J Lane so the road is accessible for maintenance purposes but is not used regularly for unintended commercial traffic. [Sections 4.7.15, 4.7.16 FCSR]

21. Appropriate utility easements a minimum of 10-feet in width should be established and shown on the face of the final plat for waterlines associated with proposed shared wells between Lots 4-5, Lots 9-10 and for the public water system waterline extending to Lot 1 from the 'Residential Buffer/Greenspace' common area. [Section 4.7.23 FCSR]
22. Prior to final plat the Road User's Agreement for the subdivision shall be amended to correctly include the appurtenant road name(s) to be formally established in the subdivision as approved pursuant to Flathead County Resolution 1626C and shown on the face of the final plat.
23. The proposed water supply and onsite cistern for fire suppression shall meet the applicable requirements of the Evergreen Fire District. A letter from the fire chief stating that the cistern and its water supply meet the requirements of the fire District shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]
24. Prior to final plat approval the applicant shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met.[Section 4.7.20 FCSR]
25. Appropriate traffic control signs required at the intersections of the internal roads shall be installed in accordance with the standards outlined in the Flathead County *Minimum Standards for Design and Construction*, as applicable to ensure safe and efficient traffic flow to, from, and within the proposed subdivision. [Sections 4.7.16, 4.7.17 FCSR]
26. The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department for the approach of the proposed internal subdivision road system onto US Highway 2 indicating the approach has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
27. The applicant shall show proof of a completed approach permit from the Montana Department of Transportation for the approach of the proposed internal subdivision road system onto Birch Grove Road indicating the approach has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
28. The following statement shall appear on the face of the final plat:
  - f. All lots within Glacier International Business Park Subdivision may be subject to seasonally fluctuating high ground water. Construction of features such as basements, crawlspaces, and subterranean parking garages on any Lot is not advised.